

ON RE: PETITION FOR SPECIAL HEARING
W/S Middle River Road, 875.5' N
of the c/l of Langley Road
(610 Middle River Road)
15th Election District
6th Councilmanic District
The Middle River Baptist Church
Petitioner

* BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 92-498-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property. The Middle River Baptist Church of Baltimore County, Maryland, by and through their attorney, James H. Patterson, Esquire, in which the Petitioner requests approval of a building width of 355 feet in lieu of the permitted 300 feet, pursuant to Section 1801.2.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petitioner were John F. Muller, Trustee Chairman, and James H. Patterson, Esquire, attorney for Petitioner. Also appearing on behalf of the Petitioner were Brent E. Peterson and James E. Matis with George W. Stephens, Jr. & Associates, Inc., Paul L. Warner with Lee-Warner Architects, James F. Davenport, Sr., Greg Blankenship, Ruth Cantrell and Henry H. Lewis. There were no Protestants.

Testimony indicated that the subject property, known as 610 Middle River Road, consists of 12.456 acres, more or less, zoned D.R. 5.5 and is the site of the Middle River Baptist Church which has existed on the property since the 1940s. Currently, the property is improved with a three-level building containing the church sanctuary and Sunday school classroom facilities, and a two-story accessory activities building. The Petitioner is desirous of constructing two additions to the existing three-level

building, in accordance with that depicted on Petitioner's Exhibit 1, to accommodate growing membership. More specifically, the Petitioners propose to construct a two-story administration building addition of 3,535 sq. ft. between the accessory activities building and the main church/sunday school building and a one-story Sunday school classroom addition of 7,340 sq. ft. adjacent to the existing activities building and proposed administration building addition. The proposed additions will ultimately connect the existing church/sunday school building with the activities building. The Petitioner also proposes to construct a drive-thru canopy onto the proposed Sunday school classroom addition which would provide protection during inclement weather and allow the pick-up and drop-off of parishioners from their vehicle. The proposed additions will result in the building being a total of 355 feet in width, thereby necessitating the relief requested. Due to the configuration of the lot, the topography of the land, and the location of existing improvements thereon, there is no other way for the Petitioners to locate the proposed additions.

In reviewing the relief requested, it must be determined if the special exception requirements set forth in Section 502.1 will be met.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

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The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of August, 1992 that the Petition for Special Hearing to approve a building width of 355 feet in lieu of the permitted 300 feet in accordance with Section 1801.2.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return,

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James H. Patterson
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 8/11/92
By SPH

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

August 11, 1992

(410) 887-4386

James H. Patterson, Esquire
400 E. Joppa Road
Baltimore, Maryland 21204

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Dear Mr. Patterson:

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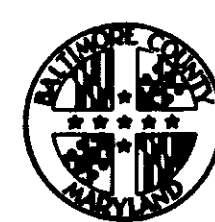
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Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 610 Middle River Road

which is presently zoned DE 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A building width of 355 feet in lieu of the 300 feet allowable in accordance with B.C.Z.R. Section 1801.2.B.2.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and resolutions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Particulars/Location

(Type or Print Name)

Signature

Address

City

State

Zip

Attorney for Petitioner

JAMES H. PATTERSON

(Type or Print Name)

Signature

Address

City

State

Zip

Telephone

Business

Home

Mobile

Fax

Other

Comments

Remarks

Other

92-498-SPH 530

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Attorney for Petitioner

JAMES H. PATTERSON

(Type or Print Name)

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Fax

RECEIVED
JUL 7 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: July 3, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 29, 1992
ITEM NUMBER: 530

1. The direction of internal traffic flow needs to be reversed so that the northern access is one-way in and the southern access is one-way out.
2. The two access points need to be narrowed down to 20 ft. wide each.
3. Some parking layout needs to be modified.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RECEIVED
JUL 7 1992
ZONING OFFICE

Department of Environmental Protection & Resource Management
Development Review Committee
Authorized signature: *[Signature]* Date: 7-20-92

Project Name: Joan R. McMahon
File Number: Waiver Number: Zoning Issue: Meeting Date:

DEPRM 527 6-22-92
DEPRM 529 6-22-92
DEPRM 517 6-22-92
DEPRM 530 6-22-92

COUNT 2

RMS Nominee, Inc. 527 6-29-92
DEPRM 529 6-29-92
DEPRM 517 6-29-92
DEPRM 530 6-29-92

COUNT 3

Highlands Limited Partnership
DED DEPRM RP STP TE 1 7-13-92
Charles C. Campbell, Sr. 1 7-13-92
John And Beverly R. Oertel 2 7-13-92
DED DEPRM RP STP TE 2 7-13-92
William M. And Donna M. O'Rourke 3 7-13-92
DED DEPRM RP STP TE 3 7-13-92
Theresa A. Mahlstedt 4 7-13-92
DED DEPRM RP STP TE 4 7-13-92

COUNT 5

700 East Joppa Road, Suite 901
Towson, MD 21204-5500
JUNE 25, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: THE MIDDLE RIVER BAPTIST CHURCH OF
BALTIMORE COUNTY, MARYLAND

Location: #610 MIDDLE RIVER ROAD
Item No.: +530 (JJS) Zoning Agenda: JUNE 29, 1992

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *[Signature]* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
JUN 29 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee
Authorized signature: *[Signature]* Date: 7/6/92

Project Name: Rita D. and Edward R. Reab, Sr.
File Number: Waiver Number: Zoning Issue: Meeting Date:

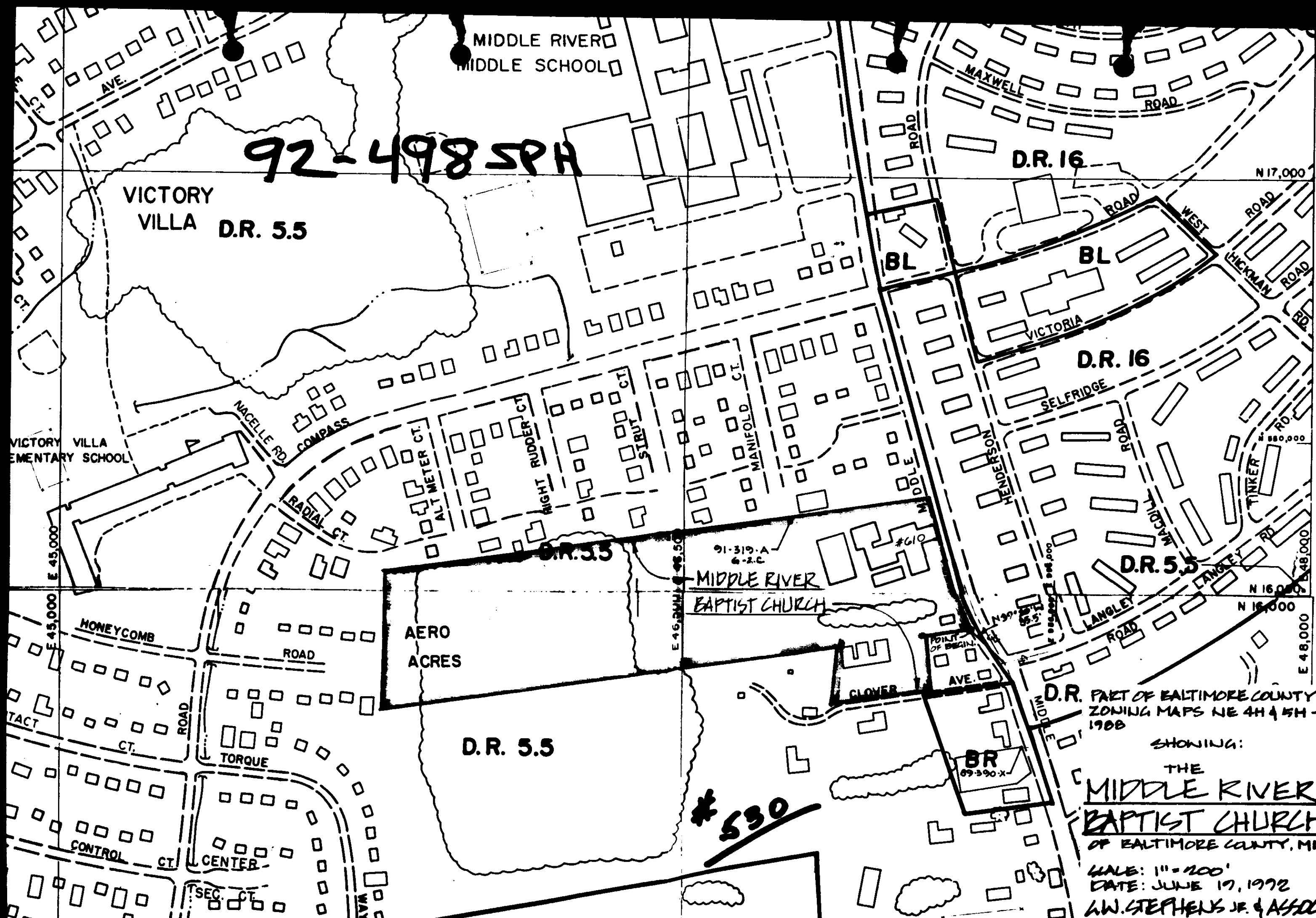
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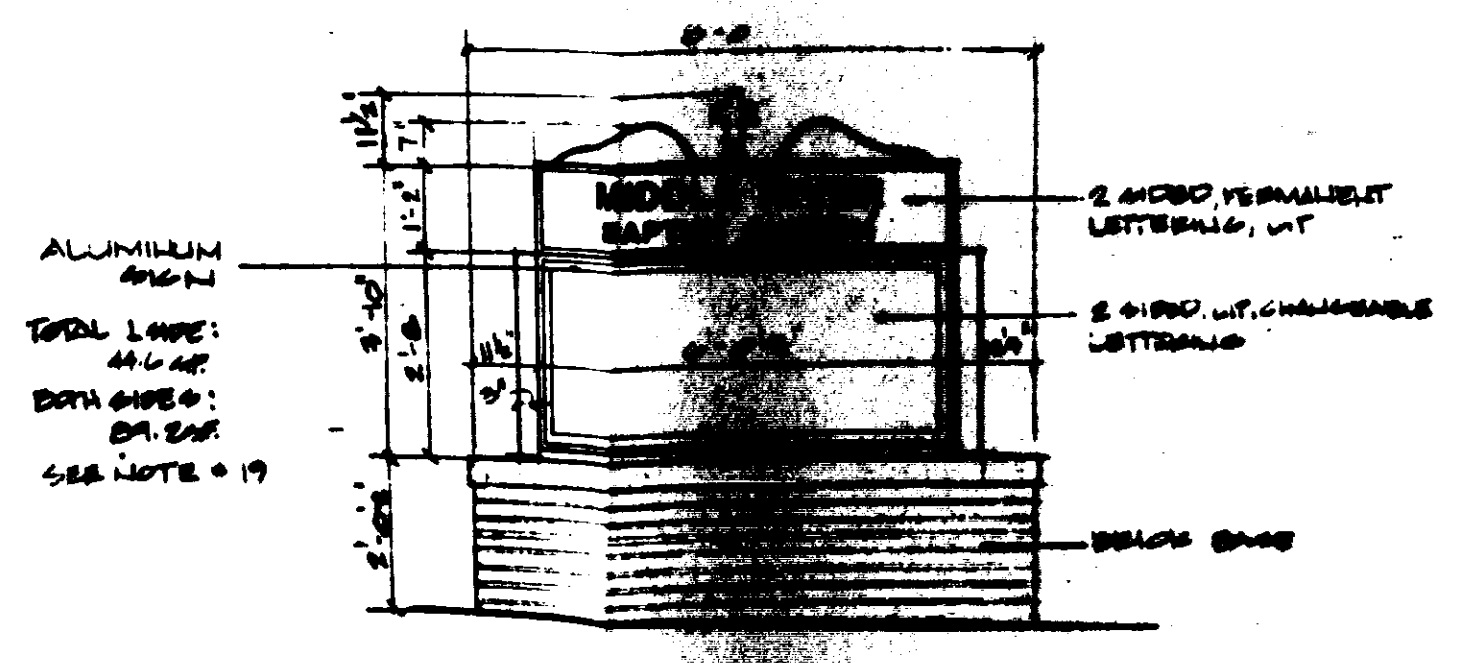
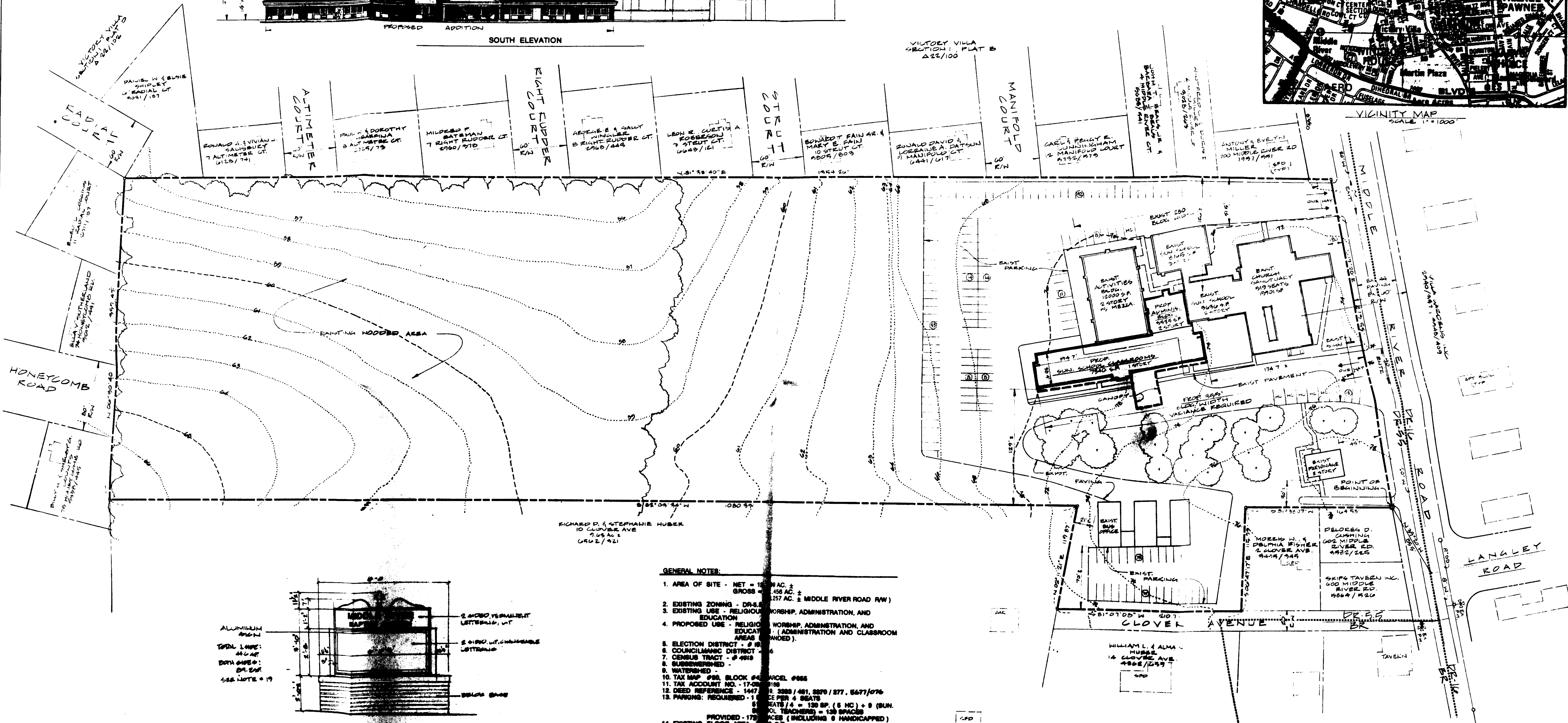
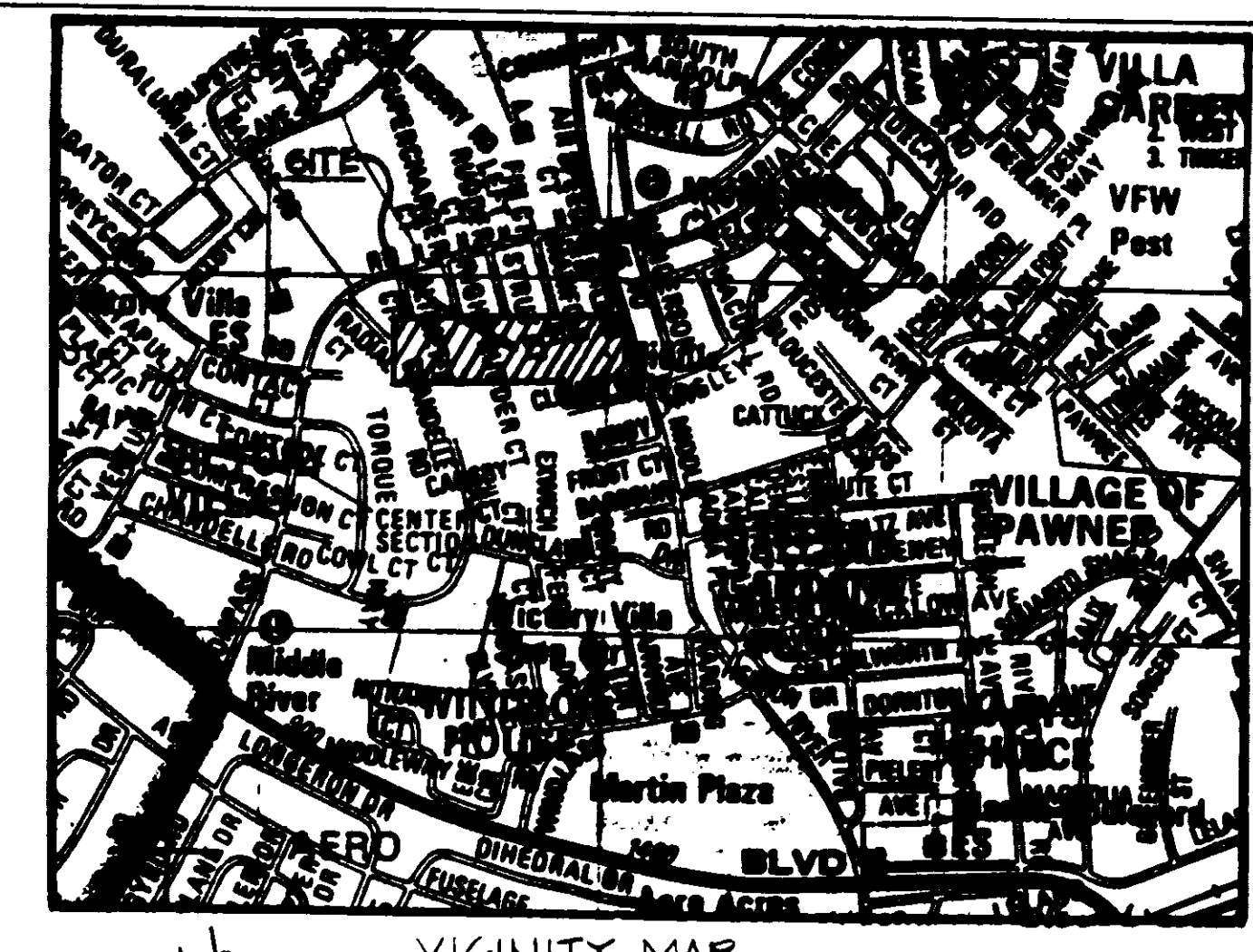
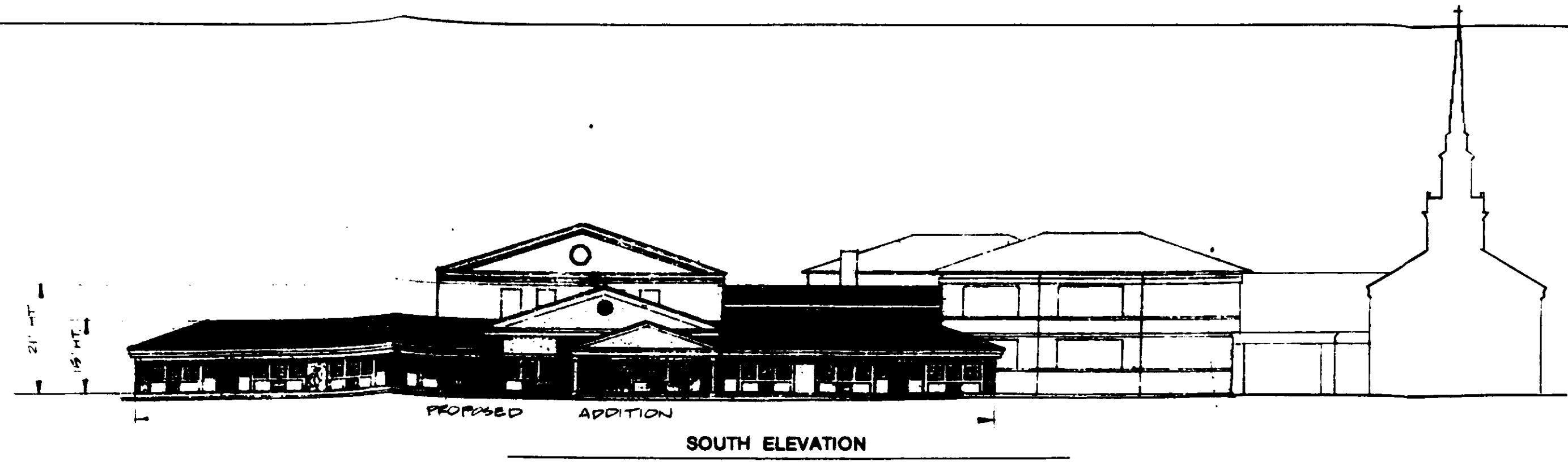
COUNT 11

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JAMES E. MATIS	650 KENNEDY BLVD. TOWSON
JAMES A. HARRISON	400 E Joppa Road TOWSON MD
DAN F. MILLER	4 BOX CIRCLE ESSEX MD 21221
JAMES F. DAVENPORT, SR.	5335 GAMBALL RD. WHITE MARSH MD 21162
Greg Blankenship	2203 Helen Ct. Fallers Hill 21047
Rita Cantrell	53 West Wing Dr. Baltimore 21220
PAUL C. WASHLEY	122 GARDEN ST. BALTIMORE MD 21205
Henry H. Lewis	P.O. Box 36 Owings Mills 21117





- GENERAL NOTES:**
1. AREA OF SITE - NET = 1.00 AC. ±
GROSS = 1.45 AC. ±
 2. EXISTING ZONING - DR-1
 3. EXISTING USE - RELIGIOUS WORSHIP, ADMINISTRATION, AND EDUCATION
 4. PROPOSED USE - RELIGIOUS WORSHIP, ADMINISTRATION, AND EDUCATION (ADMINISTRATION AND CLASSROOM AREAS ADDED)
 5. ELECTION DISTRICT - 8
 6. COUNCILMANIC DISTRICT - 6
 7. CENSUS TRACT - 4419
 8. SUBDIVISION - 1
 9. WATERED - 1
 10. TAX MAP - 980, BLOCK 441, PARCEL 4415
 11. TAX ACCOUNT NO. - 17-08196
 12. DEED REFERENCE - 1447, 19, 3229 / 451, 3270 / 277, 3677 / 076
 13. PARKING: REQUIRED - 1 SPACE PER 4 SEATS
PROVIDED - 175 SPACES
SEATS / 4 = 120 SP. (5 MC) - 3 (SUN. SCHOOL) = 120 SPACES
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 14. EXISTING FLOOR AREA - 177 S.F. (25.7% INCREASE)
 15. PROPOSED FLOOR AREA - 177 S.F. (25.7% INCREASE)
 16. AVERAGE DAILY TRIP - 177 S.F. (25.7% INCREASE)
 17. A REQUEST FOR A VARIANCE HAS BEEN SUBMITTED.
 18. PROPOSED LIGHTING SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT STREETS, WITH A MAXIMUM HEIGHT OF 15'.
 19. A SIGN VARIANCE HAS BEEN SUBMITTED TO ALLOW A TOTAL AREA OF 88.5 S.F. IN LIEU OF THE 51-310-A.



**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

PETITIONER'S EXHIBIT 1

PLAT TO ACCOMPANY A REQUEST FOR A SPECIAL HEARING TO PERMIT A BUILDING WIDTH OF 355' IN LIEU OF THE 300' ALLOWED, IN ACCORDANCE WITH B.C.Z.R. SECTION 1801.2.B.2.

**THE
MIDDLE RIVER BAPTIST CHURCH**
OF BALTIMORE COUNTY, MARYLAND
610 MIDDLE RIVER ROAD

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August 11, 1992

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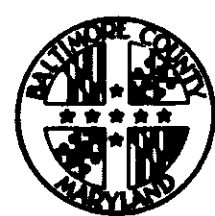
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for the property located at 610 Middle River Road

which is presently zoned DE 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A building width of 355 feet in lieu of the 300 feet allowable in accordance with B.C.Z.R. Section 1801.2.B.2.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and resolutions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Particulars/Location

(Type or Print Name)

Signature

Address

City

State

Zip

Telephone

Business

Home

Fax

Mobile

Pager

Other

Comments

Signature

Date

By

With the authority of the County and others, under the provisions of the law, that they are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s)

The Middle River Baptist Church of

610 Middle River Road, Baltimore County, Maryland

John F. Muller

JOHN F. MULLER, Trustee Chairman

(Type or Print Name)

Signature

Address

City

State

Zip

Telephone

Business

Home

Fax

Mobile

Pager

Other

Comments

Signature

Date

By

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
656 EDENWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

June 11, 1992

Description to Accompany a
Zoning Petition, Land of the
Trustees of the Middle River Baptist Church.

Beginning at a point on the west right-of-way line of Middle River Road said point being North 39' 20' West 85.5 feet from the intersection of the center lines of Middle River Road and Langley Road, thence the following courses and distances

- 1 - South 81' 38' 07" West 164.58 feet
- 2 - South 06' 47' 17" East 115.99 feet
- 3 - South 81' 07' 08" West 210.77 feet
- 4 - North 02' 11' 21" East 119.87 feet
- 5 - South 82' 03' 34" West 1080.39 feet
- 6 - North 06' 30' 40" West 359.47 feet
- 7 - North 81' 38' 40" East 1354.26 feet to a point on the west right-of-way line of Middle River Road, thence binding on said right-of-way line

8 - South 19' 20' 00" East 373.55 feet to the place of beginning as recorded in Deed Liber 5677, Folio 76.
Containing 12.199 acres of land and known as #610 Middle River Road located in the 15th Election District of Baltimore County, Maryland.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCE OR AGREEMENTS



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15TH Date of Posting: 7/11/92
Posted for: Special Hearing
Petitioner: The Middle River Baptist Church of Baltimore, Inc.
Location of property: 610 Middle River Rd. (410), 15th Election District
Location of Sign: Property of Baltimore County, 15th Election District
Remarks: On property of Baltimore County
Posted by: Timothy M. Kotroco Date of return: 7/24/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/2, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/2, 1992

THE JEFFERSONIAN,

S. Zabo Orlov
Publisher

RECEIVED
JUL 7 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: July 3, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 29, 1992

ITEM NUMBER: 530

- The direction of internal traffic flow needs to be reversed so that the northern access is one-way in and the southern access is one-way out.
- The two access points need to be narrowed down to 20 ft. wide each.
- Some parking layout needs to be modified.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RECEIVED
JUL 7 1992
ZONING OFFICE

Department of Environmental Protection & Resource Management 07/20/92
Development Review Committee
Authorized signature: *[Signature]* Date: 7-20-92

Project Name: Joan R. McMahon
File Number: Waiver Number: Zoning Issue: Meeting Date:

DEPRM 527 6-22-92
Frederick J. And Michelle Y. Burgesen 517
DEPRM 517
Written comments

COUNT 2

RMS Nominee, Inc. 527 6-29-92
DEPRM 527
Juanita L. Cottrell 529
DEPRM 529
The Middle River Baptist Church 530
DEPRM 530
No comments

COUNT 3

Highlands Limited Partnership
DED DEPRM RP STP TE 1
Charles C. Campbell, Sr. 1
DED DEPRM RP STP TE 1
John And Beverly R. Oertel 2
DED DEPRM RP STP TE 2
William M. And Donna M. O'Rourke 3
DED DEPRM RP STP TE 3
Theresa A. Mahstedt 4
DED DEPRM RP STP TE 4
No comments

COUNT 5

700 East Joppa Road, Suite 901
Towson, MD 21204-5500
JUNE 25, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: THE MIDDLE RIVER BAPTIST CHURCH OF
BALTIMORE COUNTY, MARYLAND

Location: #610 MIDDLE RIVER ROAD

Item No.: +530 (JJS) Zoning Agenda: JUNE 29, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *[Signature]* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
JUN 29 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee
Authorized signature: *[Signature]*

Project Name: File Number: Waiver Number: Zoning Issue: Meeting Date:

DED DEPRM RP STP TE 527
No Comment
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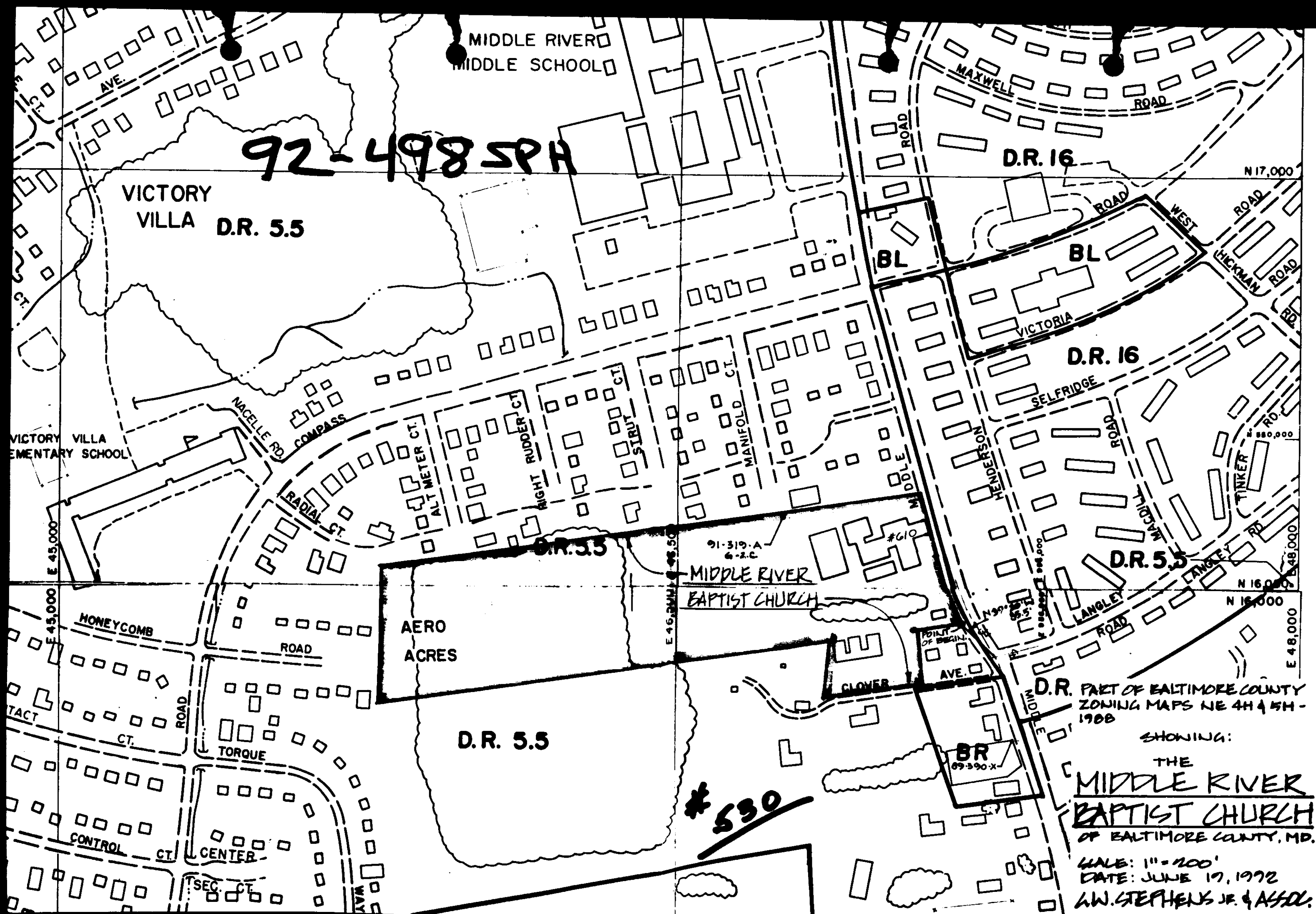
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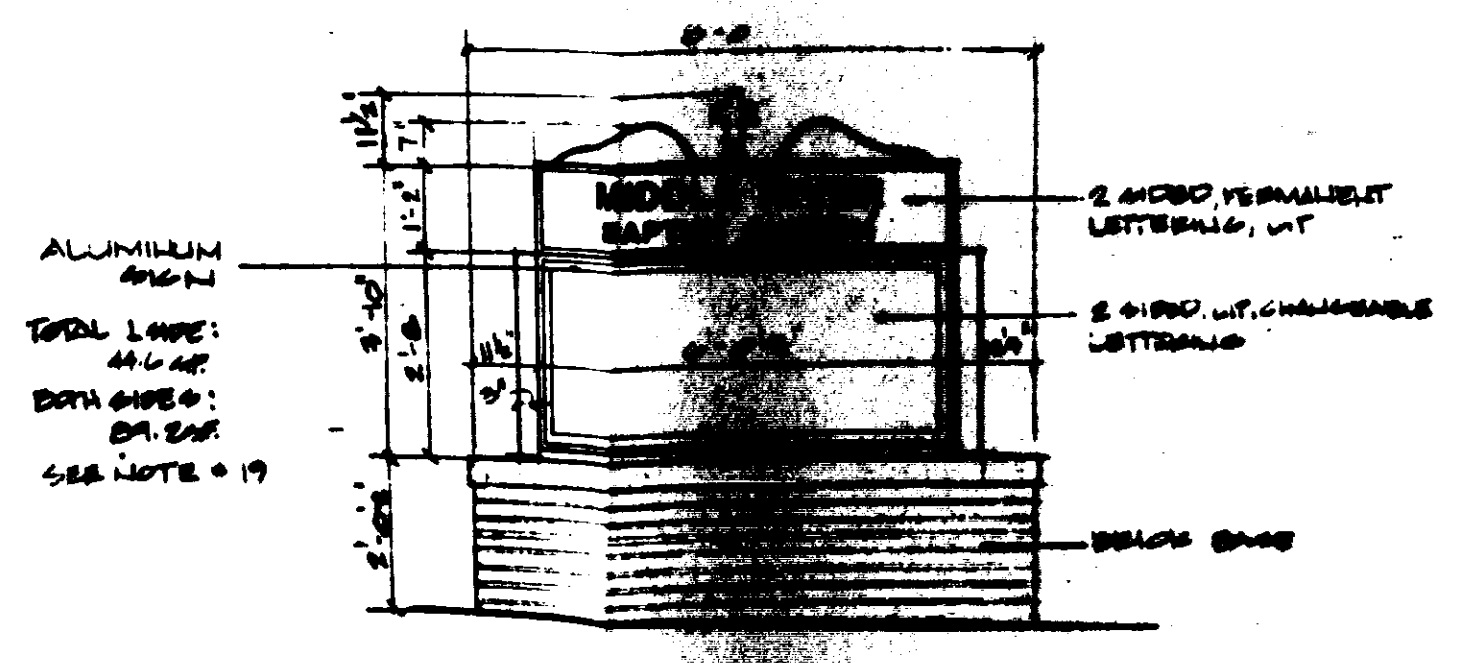
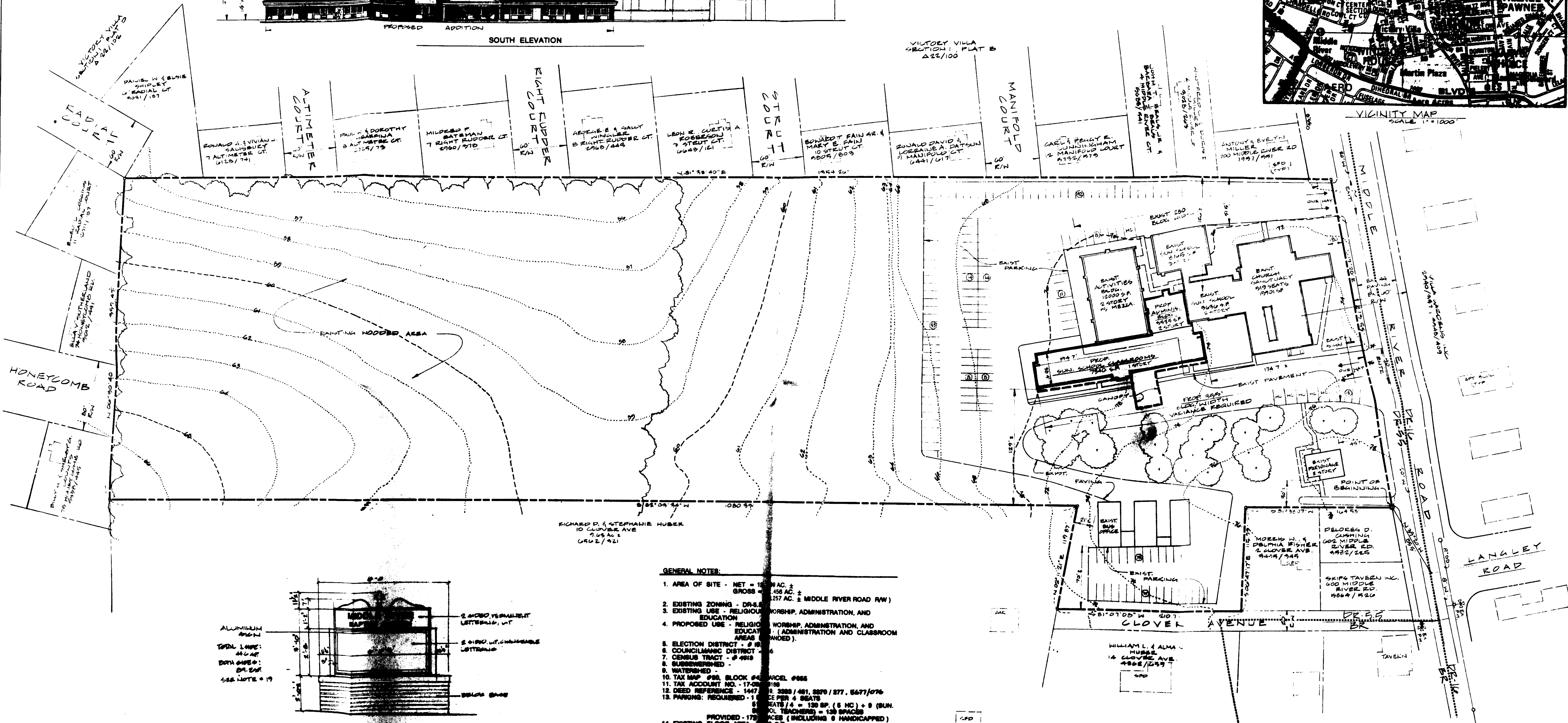
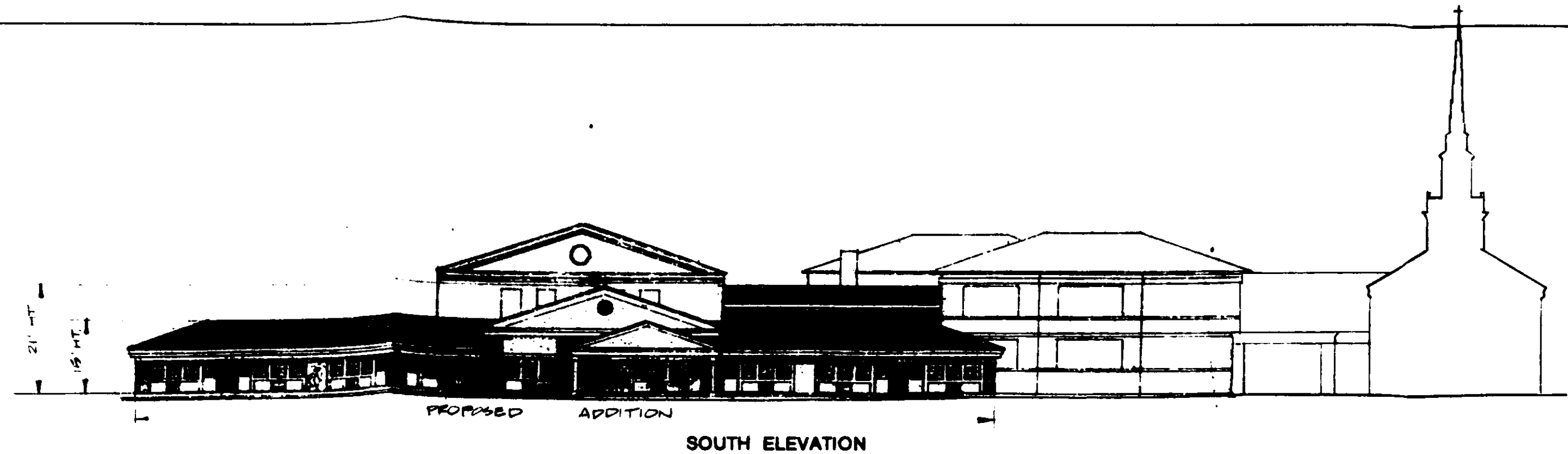
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No Comment
DED DEPRM RP STP TE 527
No Comment

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JAMES E. MATIS	650 KENNEDY BLVD. TOWSON
JAMES A. HARRISON	400 E Joppa Road Towson MD
DAN F. MILLER	4 BOX CIRCLE ESSEX MD 21221
JAMES F. DAVENPORT, SR.	5335 GAMBALL RD. WHITE MARSH, MD 21162
Greg Blankenship	2203 Helen Ct. Fallers Rd 21047
Ruth Cottrell	53 West Irving Dr. Baltimore 21220
PAUL C. WASHLEY	122 GARDEN ST. BALTIMORE, MD 21205
Henry H. Lewis	P.O. Box 36 Owings Mills 21117





- GENERAL NOTES:**
1. AREA OF SITE - NET = 1.00 AC. ±
GROSS = 1.45 AC. ±
 2. EXISTING ZONING - DR-1
 3. EXISTING USE - RELIGIOUS WORSHIP, ADMINISTRATION, AND EDUCATION
 4. PROPOSED USE - RELIGIOUS WORSHIP, ADMINISTRATION, AND EDUCATION (ADMINISTRATION AND CLASSROOM AREAS ADDED)
 5. ELECTION DISTRICT - 8
 6. COUNCILMANIC DISTRICT - 6
 7. CENSUS TRACT - 4419
 8. SUBDIVISION - 1
 9. WATERED - 1
 10. TAX MAP - 980, BLOCK 44, PARCEL 4444
 11. TAX ACCOUNT NO. - 17-08-196
 12. DEED REFERENCE - 1447, 19, 3229/451, 3270/277, 3677/076
 13. PARKING: REQUIRED - 1 SPACE PER 4 SEATS
PROVIDED - 175 SPACES
SEATS / 4 = 120 SP. (5 MC) - 8 (SUN. SCHOOL TEACHERS) = 120 SPACES
TOTAL = 175 SP. (25.7% INCREASE)
 14. EXISTING FLOOR AREA - 177 S.F. (25.7% INCREASE)
 15. AVERAGE DAILY TRIP - 1 ADT'S PER 1000 S.F. = 1000 ADT'S
 16. A REQUEST FOR A VARIANCE HAS BEEN SUBMITTED.
 17. PROPOSED LIGHTING SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS, WITH A MAXIMUM HEIGHT OF 15'.
 18. A SIGN VARIANCE HAS BEEN SUBMITTED TO ALLOW A TOTAL AREA OF 88.5 S.F. IN LIEU OF THE 51-310-A.



**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

PETITIONER'S EXHIBIT 1

PLAT TO ACCOMPANY A REQUEST FOR A SPECIAL HEARING TO PERMIT A BUILDING WIDTH OF 355' IN LIEU OF THE 300' ALLOWED, IN ACCORDANCE WITH B.C.Z.R. SECTION 1801.2.B.2.

**THE
MIDDLE RIVER BAPTIST CHURCH**
OF BALTIMORE COUNTY, MARYLAND
610 MIDDLE RIVER ROAD